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UNCLAS SECTION 01 OF 02 PARIS 002546

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FROM USMISSION UNESCO PARIS

E.O. 12958: N/A

TAGS: [TBIO](#) [UNESCO](#) [KSCI](#)

SUBJECT: USUNESCO: APRIL 4-6 NEGOTIATIONS ON DECLARATION ON BIOETHICS

[1](#)1. Summary. The first session of the intergovernmental meeting held April 4-6 to discuss development of a draft declaration on bioethics at UNESCO revealed that there is not consensus support for the Preliminary Draft of the Declaration submitted by the International Bioethics Committee (IBC). Despite efforts by some delegations and the Secretariat to present the Preliminary Draft as a consensus text, give the appearance of inevitability, and minimize the extent and importance of differences, the governments present did not reach consensus or approve text. End Summary.

[1](#)2. At the first session of the intergovernmental meeting of experts, April 4-6, Member States discussed development of a declaration on bioethics, using the Preliminary Draft developed by the IBC as the starting point for discussions. The Bureau clearly expected Member States to support the Preliminary Draft with only a few minor changes. The Secretariat presented the Preliminary Draft as a "consensus

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text," and France lobbied hard for its acceptance with little/no change. France was supported in this position by Russia, Poland, Turkey, Ukraine, and to a lesser extent the UK. France stated several times that Member States should stick to the current timeline and send a final draft forward to the 2005 General Conference for review and adoption, arguing that "the perfect must not be the enemy of the good." Other delegations, including the U.S., Germany, Canada, India, Brazil, and Bolivia, took the position (often for different or even opposed reasons) that the Preliminary Draft is not acceptable in its current form and that further discussion of general issues of scope and purpose, as well as specific language, is necessary. Each of these delegations argued that it is important to develop a text that enjoys wide consensus, even if this means that a final draft is not ready for consideration and possible adoption at the 2005 General Conference. Brazil in particular expressed their frustration with the "experts" process, noting that the IBC had 6 meetings to develop the Preliminary Draft while Member States were provided with only 2 meetings to further develop and negotiate the text.

[1](#)3. Disagreements about the text focused on whether the Declaration should include a provision stating respect for human life, on the nature of a declaration (should/shall), and on its scope. Some delegations argued that the field of bioethics includes, or should include, protection of the biosphere and issues of social benefit and that the declaration should explicitly address these topics. Other delegations, including the US delegation, argued that the declaration should focus on biomedical issues and that, while the biosphere and social responsibility are important topics, they fall outside of the scope of bioethics and that efforts to include them would prevent consensus. There was also controversy over inclusion of the term "human life" in the declaration. The U.S. delegation argued that this is a fundamental concept that forms the cornerstone of bioethics and must be included in the declaration.

[1](#)4. Despite clear disagreements about the declaration's scope, purpose, and language, the Bureau sent the text to a drafting group to resolve "minor differences." The "technical drafting session" demonstrated the difficulty in achieving consensus; a three-hour session focused on only one, relatively brief Article and resulted in more disagreement than had been evident at the beginning of the session.

[1](#)5. The inability to reach consensus was deflected into complaints about the working conditions-i.e., the absence of (or the Secretariat's refusal to use) a screen and insufficient translation services beyond English and French. In particular, the meeting concluded that more time is needed to develop a consensus text and that the second intergovernmental session in June should last for at least 5, rather than the currently scheduled 3, days. The DG will be asked to make these requests at the forthcoming Executive Board meeting. The delegation from Italy generously offered to pay for translation services at the June meeting so that delegates could work in all 6 official working languages.

16. In the inter-sessional period, the President of the meeting (Amb. Sader of Uruguay) will hold informal consultations, and perhaps an open meeting, in Paris in an effort to facilitate development of a text that can be presented to the June session of the government experts' meeting.

17. Among the obstacles faced was the intervention of the UNESCO Legal Counsel. He strayed beyond legal advice to give his views of why "shall" is the proper word in several contexts, and purported to explain how the IBC had used "shall" and "should". A point of order by the US that this went beyond his appropriate role and that his explanation was directly at variance with the explanations given by the chairman of the IBC drafting group ended the discussion (several other members agreed informally that he had acted improperly). In subsequent discussions with the US delegation, he denied saying what he had in fact said.

18. Several delegations and Director-General Matsuura referred to the declaration as the first step towards developing binding "international regulations in bioethics," i.e. a convention. The day after the meeting closed, the Russian ambassador to UNESCO told Ambassador Oliver that elaborating this declaration is one of the most important pieces of work before the organization. He also made clear that he sees the declaration as a precursor of a convention on bioethics.

9.Comment: Different delegations seem to have fundamentally different views on the appropriate focus and intent of the declaration, and consensus will likely be very hard to reach. Moreover, a number of delegations were represented by non-governmental officials who did not seem to be representing their governments' positions. Despite these difficulties, there were many at the session who want to push to have a final document ready by the October General Conference meeting. End Comment. OLIVER